

The Town of Cicero Planning Board held a meeting on **Monday, November 5, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board's minutes from October 20, 2008 (**approved**)
- Site Plan, Empire Auto Transportation Corp, 7230 Schuyler Road, Proposed Auto Transport Facility, Ianuzi & Romans (**to return**)
- Discussion, Marble International, Proposed Brewerton Road location
- Discussion, Tim Hortons, Brewerton Road, Post-construction inspection

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Scott Harris, Ad Hoc Board Member
Sharon May, Board Member
Robert Smith, Board Member
Heather Cole, Esquire, Wladis Law Firm
Wayne Dean, Director Planning & Dev.
Mark Parrish, P.E., O'Brien & Gere
Tonia Mosley, Clerk

ABSENT:

Christopher Rowe, Board Member
Jason Mott, Board Member

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there were no public hearings tonight. He noted the importance of public input and encouraged anyone who wanted to speak about an agenda item to do so by raising their hand and being addressed by the Chair. Please use the microphone in the front of the room when doing so. Please let us know if you can not hear these proceedings.

**APPROVAL OF THE OCTOBER 20, 2008
PLANNING BOARD MINUTES**

Mrs. May made a motion to accept the Planning Board's minutes from the October 20, 2008 meeting. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman: Yes
Mr. Purdy: Yes
Mr. Scott: Abstain

Mrs. May:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**SITE PLAN, EMPIRE AUTO TRANSPORTATION CORP.
7230 SCHUYLER ROAD, PROPOSED AUTO TRANSPORT
FACILITY, IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Lenny Gerasimovich, Applicant

Mr. Romans introduced himself. The applicant would like to convert the existing, old trucking terminal into an auto transportation yard. The site has one existing entrance with a chain link fence that goes around on this side of the property. There is existing pavement and an existing gravel area in the back. The business transports cars for individuals and car dealerships. For individuals it might be the person going to Florida for the winter who wants their vehicle transported. They have three car carriers. The business would also return the vehicle from Florida. The applicant does a number of transportations for different car sale companies. The applicant will not do any car sales here.

Mr. Leone: It is a trucking terminal whose cargo is cars. Trucking and warehousing are allowed in and Industrial district.

Mrs. May asked if fuel tanks were on the property for re-fueling.

Mr. Romans responded no.

Mr. Leone asked if truck repairs would be done on site.

Mr. Romans: They do not do any truck repairs. Their intent is to use a movable car ramp to put cars in if they wanted to do detailing. But that is the extent of what they are going to do.

Mr. Leone: Is auto repair and service allowed in an Industrial Zone? This is a large site. We are looking at 5 acres. I think that the Board needs to project itself from a potential junkyard. A lot of old cars could get moved in and never get moved out.

Ms. Cole noted that auto repair and service are allowed in an Industrial Zone.

Mr. Smith noted we could end up with another storage facility for the auction.

Mr. Romans: The intent is not to do long term car storage here.

Mr. Leone: You have shown a specific design for a number of vehicles, something we asked for in the pre-agenda meeting. It is incredibly important that we have a number of vehicles that could be on this site that are parked. If they are on a transport and that transport is loaded with cars that are coming and going--I do not think that this Board wants to see another sea of cars. I do not want to see this gentleman get paid for storing cars because they have been in an accident and they are waiting for an insurance adjustor to come.

Mr. Romans: I do have the total number of parking spaces listed as 71 spaces total. That includes 4 tractor trailer car spaces and 56 car/SUV spaces which includes 16 within the building. There are two areas where I have stacked cars: 18 on the south side and 22 on the north side. My client is looking to purchase the property once we get through the site plan process. If he expands his facility he knows that he would need to come back in before the Planning Board for an amended site plan.

Mr. Leone asked what would be done inside the building, under the roof and roof overhang areas.

Lenny Gerasimovich introduced himself. Currently we have no use for that part of the building. The front part of the building will be used to service our trucks. We do the small stuff, for example, oil changes. We will fuel our trucks off site.

Mr. Leone: Will you change tires there and start to stack old tires? Typically you start to generate used oil. If you are it needs to be stored in some reasonable place. Dumpsters need to be enclosed. Your use seems good for this location.

Mr. Smith: Since this is close to the Dewitt town line do we need to make them aware of the site plan?

Ms. Cole: If it is within 500' you do.

Mr. Dean: I will check that out and notify them.

Mr. Harris: Can you give us an average time that a particular vehicle might be in the area before it is moved? Will any of them be there for any length of time?

Mr. Gerasimovich: I would say between 5-7 days. I have been doing this for five years. I bring a lot of the snowbirds who move to Florida. A small truck brings people's cars to our yard. Then they are loaded onto a nine car loader and go. It is a cycle.

(Mr. Leone took a moment to address the students in the audience.)

Mr. Gerasimovich: We have nine trucks but a couple of them are down, so we have seven. We have a couple of trucks that are owner operated out of Rochester. They never say here.

Mr. Purdy expressed his concerns about the trucks. 55' is no longer the limit in New York. It is 75'. You will not be able to load them as it is shown on your site plan. You can store them that way but you can not load them that way. Your dimensions are off.

Mr. Gerasimovich: The owner operated trucks only come in to pick up. Then they go. They do not park on our property.

Mr. Purdy: I understand the concept of the snowbirds going south. Are you involved with used car lots where their dealers go south to by cars at auction? Would you bring those cars back here?

Mr. Romans: We can increase the parking areas for the tractor trailers.

Mr. Leone: You obviously have room to do that. The important thing is to clearly define the number of cars. We don't want to see it become hundreds of cars. If cars are loaded and stored on trailers overnight it is a non-issue. It's cargo. The use is a reasonable use.

Mr. Parrish: We will review the plan and pull out all of the usual background maps. If anything needs to be added we will let Hal know.

Mr. Leone: What are you going to do to the façade of the building? What are you doing for landscaping, lighting, and curb appeal for the front? We would like to see the building upgraded.

Mr. Gerasimovich: That is why we are getting a good price from the seller. But, we will fix it up. I do not want my customers dropping off cars with the building looking bad. I like my things to look nice.

Mr. Leone: We are asking you to show us that on a plan.

Mr. Romans: We show the light fixtures and their locations. I picture the front of the building being picked-up and painted. We will add some landscaping to the front.

Mr. Leone: The size of the driveway needs to be brought up to code if it is not and whatever security fencing you will be using needs to be noted.

Mr. Romans detailed the locations of the existing fencing. He also noted that the driveway is 36.5' wide now. I do not picture any paving being done right away. I think they will try and get in for operation this winter with the thought that any landscaping and façade work would have to be done in the spring. I have told the applicant to project what the business would be like five years down the road.

Mr. Smith: Will there be any wrecked cars or vehicles that have been destroyed that might be leaking fluids?

Mr. Gerasimovich: Some of them might be, but I do not think that they will be leaking any fluids. We transport cars. We do not repair. We do not wait for insurance adjusters to come in. We do not pull cars off the road. We are car carriers bringing cars from Point A to Point B. If we pick up a car from the auction we will bring it to the port or whatever.

Mr. Romans: We can put something on the plan which states no cars will be there longer than 4-6 weeks.

**DISCUSSION: MARBLE INTERNATIONAL
PROPOSED BREWERTON ROAD LOCATION
(SEE ATTACHMENT A)**

Mr. Dean: They have begun to use it without site plan approval. I think that they are just warehousing stuff, but I am not sure if it is opened for business. It is still opened at the Route 31 location where they do have site plan approval. I think they are just moving things to the proposed location.

Mr. Smith noted the proposed site plan was brought in by Marty Merola. You (Mr. Leone) removed yourself from the discussion because you have ownership in the building. They have a sign up at their current location which states that they are moving and which gives a time frame.

Mr. Leone: Do they need a certificate of occupancy to operate?

Mr. Dean: We do not give business certificates. If it is a change of use they must come before the Planning Board. We are waiting for them to come back.

Mrs. May: Was the building empty for longer than a year?

Mr. Leone: No, it was a dance studio. It also had a general contractor, Paragon, which moved to Mud Mill Road. Before that it was a brick sales place. They need a letter.

Ms. Cole: Wayne and I will work on a letter.

DISCUSSION: TIM HORTONS, BREWERTON ROAD
POST-CONSTRUCTION SITE INSPECTION
(SEE ATTACHMENT B)

Mr. Parrish: I performed a post-construction inspection of the site. I found everything was pretty much in conformance with the approved plan. There were a couple of minor signage issues. But the one thing I did find out is that they are using tractor trailers to deliver goods to the site which can not turn around on the site. They have to stop traffic on Route 11 to back the trailers out onto Route 11 to exit the site.

Mrs. May: I thought during site plan they said that they only deliver with step vans.

Mr. Smith: Straight box.

Mr. Parrish: I reviewed the minutes. I did not see it explicitly in the minutes. That is not to say that every word that gets discussed is put into the minutes.

Mr. Cushman asked for the status of the right-of-way that was going to bring them down to Commerce Blvd.

Mr. Leone: I was told today by their engineering firm TDK that they are negotiating again with the Copper Top Restaurant to get out to Bear Road. They have not had much luck negotiating with the owner to the north. I was told by TDK that the site plan was designed for a straight box truck and not for a tractor trailer. The issue is straight forward. If they can not deliver with a straight box truck, they can not deliver. But, I think that it is imperative that the Town somehow puts them on notice before someone gets hurt. I believe it may be illegal to back out into a state highway.

Mr. Parrish: I have not witnessed this but I was told this by one of the people who runs the operation or works with the facility. I believe that he said it happens twice a week, Tuesdays and Saturdays. I don't know at what time of day it happens.

Mr. Leone: The DOT told me that the entrance is designed for domestic vehicles and only domestic vehicles are supposed to be using it.

Mr. Dean: I think that we have to be more diligent when we get applications in. With the way things are going now and the way the price of fuel is going up, people are using bigger trucks. We have to ask the questions.

Mr. Parrish: It was not represented to the DOT that way because the entrance that they approved was not made to accommodate that vehicle.

Mr. Cushman: Will this be settled by sending out a letter?

Ms. Cole: I will work with Wayne on that.

Mr. Leone: I believe that it is a SEQR issue. It is something that was not discussed under SEQR that is a safety issue to the general public. It should have been addressed by us or the applicant. I would also like to say that we should not hear another one of their applications until such a time as the situation is rectified.

Mr. Parrish: Or they get one or the other access points open.

Mr. Smith made a motion to adjourn. **Mrs. May seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 7:47 P.M.

Dated: November 17, 2008

Tonia Mosley, Clerk

ATTACHMENT A

November 25, 2008

Mr. Mario Cannata
Marble International
5866 Route 31
Cicero, NY 13039

Subject: 8141/8145 Route 11

Dear Mr. Cannata:

The site at 8141/8145 Route 11, that you have relocated your business to, does not have an approved site plan. An approved site plan is required prior to commencing operations at the site. A site plan was submitted to the Planning Board and discussed at the meeting on June 4, 2008. At this meeting requirements were made that would necessitate

revisions to the submitted plan. To date, we have not received these revisions.

If you have any questions regarding this matter, please contact this office.

Very truly yours,

Wayne R. Dean
Director Planning & Development

WD/hl

cc: P. Leone
M. Parrish
H. Cole
M. Merola

ATTACHMENT B

November 25, 2008

Mr. Jack Krisanda
Tim Horton's
3313 Tuccamore Circle
Baldwinsville, NY 13027

Subject: 7789 Brewerton Road

Dear Jack:

During the post construction meeting at the above referenced site, our town engineer observed tractor trailers making deliveries at the facility. The site was not designed for trucks of this size and subsequently these trucks are backing onto Route 11. The Planning Board's approval was based on the understanding that tractor trailers would not be used for deliveries. The Town considers this a very dangerous and unsafe situation and is inconsistent with the approved site plan. We are requesting that Tim Horton's cease this dangerous operation and use trucks of a reasonable size for deliveries. If deliveries by tractor trailers are to continue, please submit a revised site plan indicating a safe access for tractor trailers to enter and exit the site.

Please contact this office if you have any questions regarding this matter.

PLANNING BOARD MEETING
Town of Cicero

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Very truly yours,

Wayne R. Dean
Director Planning & Development

WD/hl

cc: P. Leone
M. Parrish
H. Cole